IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Ajay Kumar Munjral. Versus State of Rajasthan & Anr.

S.B. Criminal Misc. Petition No. 1247/2005 against the order dated 29-8-2005 passed by the Additional Sessions Judge No.1, Sri Ganganagar, in Criminal Revision No.80/2004.

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Date of Order: September 14, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. Trilok Joshi, for the petitioner.
Mr. Ashok Upadhyaya, Public Prosecutor for the State.
Mr. R.C. Joshi, for the non-petitioner No.2.

BY THE COURT:

By the instant criminal miscellaneous petition under Section 482 Cr.P.C., the petitioner has challenged the order dated 29-8-2005 passed by the Additional Sessions Judge No.1, Sri Ganganagar (for short, "the Revisional Court" hereinafter) in Criminal Revision No. 80/2004, whereby the revision petition filed by the petitioner against the order dated 18-9-2004 passed by the Judicial Magistrate, Sri Ganganagar (for short, "the trial Court" hereinafter), was dismissed.

I have heard learned counsel for the parties. Carefully gone through the orders passed by the trial Court as

well as the Revisional Court. I have also gone through the record of the trial Court.

The trial Court, by the order dated 18-9-2004, took the cognizance of the offences under Sections 420, 465, 466, 467, 468, 471 and 120-B, IPC and issued the process against the petitioner. The matter was investigated by the Deputy Superintendent of Police, Sri Ganganagar. . During investigation, the statements of complainant Shyam Sunder and witnesses Harbans Lal, Hansraj, Ramavatar, Ranveer Singh and Kuldeep Gargi were recorded by the investigating officer. The other material relating to investigation were also brought on record. On perusal of the material on record, the trial Court prima facie came to the conclusion that there are grounds to proceed against the petitioner for the offences noticed above and issued the process against the petitioner. On revision, the Revisional Court re-examined the material on record and came to the conclusion that the trial Court was justified in taking cognizance of the offiences and issuing process against the petitioner as there are sufficient grounds to proceed against the petitioner.

Both the courts below concurrently found a prima facie case against the petitioner. On careful perusal of the record, in my view, the trial Court was justified in taking cognizance of the offences and issuing process against the

petitioner and the Revisional Court was also justified in dismissing the revision petition. Keeping in view the law laid down by the Hon'ble Supreme Court in Jagdish Ram Vs. State of Rajasthan, AIR 2004 SC 1734, I do not find any ground to interfere in the impugned order.

The criminal miscellaneous petition is, therefore, dismissed. The stay petition also stands dismissed. The record of the trial Court be returned forthwith.

(H.R. PANWAR), J.

mcs